

House Study Bill 201

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
ADMINISTRATIVE SERVICES
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning the authority of the department of
2 administrative services relative to existing leases on real
3 property acquired by the department.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1418DP 83
6 ec/nh/5

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1 1 Section 1. Section 8A.321, subsection 9, Code 2009, is
1 2 amended to read as follows:
1 3 9. a. With the approval of the executive council pursuant
1 4 to section 7D.29 or pursuant to other authority granted by
1 5 law, acquire real property to be held by the department in the
1 6 name of the state as follows:
1 7 ~~a.~~ (1) By purchase, lease, option, gift, grant, bequest,
1 8 devise, or otherwise.
1 9 ~~b.~~ (2) By exchange of real property belonging to the
1 10 state for property belonging to another person.
1 11 b. If real property acquired by the department in the name
1 12 of the state is subject to a lease in effect at the time of
1 13 acquisition, the director may honor and maintain the existing
1 14 lease subject to the following requirements:
1 15 (1) The lease shall not be renewed beyond the term of the
1 16 existing lease including any renewal periods under the lease
1 17 that are solely at the discretion of the lessee.
1 18 (2) The lease shall not be renewed by the department as
1 19 the lessor if the lessor has discretion to not renew under the
1 20 existing lease.
1 21 (3) The lease shall not be maintained for a period in
1 22 excess of ten years from the date of acquisition of the real
1 23 property, including any renewal periods, without the approval
1 24 of the executive council.
1 25 (4) The lease shall not be maintained if the lessee at the
1 26 time of the acquisition ceases to occupy the leased property.

EXPLANATION

1 27 This bill authorizes the department of administrative
1 28 services to maintain an existing lease related to real
1 29 property acquired by the department on behalf of the state.
1 30 The bill establishes certain limitations on this authority,
1 31 including that the lease is not to be renewed beyond the term
1 32 of the existing lease and any renewal periods that are solely
1 33 at the discretion of the lessee; the lease is not to be
1 34 renewed by the department as the lessor if the lessor has
2 1 discretion to not renew under the existing lease; the lease is
2 2 not to be maintained for a period in excess of 10 years from
2 3 the date of acquisition without the approval of the executive
2 4 council; and the lease is not to be maintained if the lessee
2 5 at the time of the acquisition ceases to occupy the leased
2 6 property.
2 7 LSB 1418DP 83
2 8 ec/nh/5